

September 19, 2006 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0330

JHM, LLC
and
Cynthia W. and Steve W. Brickell

Dale Magisterial District
Northwest quadrant of Canasta Drive and Iron Bridge Road

REQUEST I: Amendments to previously granted zoning (Cases 74S042, 75S045 and 78S005) to delete buffer requirements on 4.3 acres zoned General Business (C-5).

REQUEST II: Rezoning from Residential (R-7) and Community Business (C-3) to General Business (C-5) of 1.0 acre.

PROPOSED LAND USE:

Expansion of an existing contractor's shop and storage yard is planned on that portion of the property proposed to be rezoned to C-5. With the approval of this request, uses permitted by right or with restrictions in the Community Business (C-3) District plus contractor's shops and storage yards would also be permitted. (Proffered Condition)

RECOMMENDATION

REQUEST I:

Recommend denial of the amendment to the existing zoning for the following reason:

Although any expanded or new development of the request property would be subject to the Zoning Ordinance relative to landscaped setbacks and buffers, the applicants have failed to address limitations on access to Route 10 in accordance with current zoning.

REQUEST II:

Recommend denial of the rezoning for the following reasons:

- A. The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for mixed use corridor uses such as professional, business and industrial offices and residential developments of varying densities.
- B. The application fails to address transportation impacts, as discussed herein.

(NOTE: CONDITIONS MAY BE IMPOSED AND THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.)

CONDITION

With the approval of this request, Condition 1 of Case 74S042, Conditions 1 and 2 of Case 75S045 and Conditions 1 and 2 of Case 78S005 are deleted. (P)

(Staff Note: This Condition is applicable to Tax IDs 773-680-8039 and 8757 only.)

PROFFERED CONDITION

Permitted uses on Tax IDs 773-680-6620 and 7615 shall be limited to the following:

- a. Uses permitted by right and with restrictions in the Community Business (C-3) District, and
- b. Contractor's shops and storage yards (P)

GENERAL INFORMATION

Location:

Northwest quadrant of Canasta Drive and Iron Bridge Road. Tax IDs 773-680-6620, 7615, 8039 and 8757 (Sheet 17).

Existing Zoning:

R-7, C-3 and C-5

Size:

5.3 acres

Existing Land Use:

Commercial and vacant

Adjacent Zoning and Land Use:

North and West- R-7; Single family residential or vacant

South - A and C-3; Single family residential or vacant

East - C-5; Commercial

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along Iron Bridge Road, adjacent to this site. Use of the public water system is required by County Code. The existing structures on this site are connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along Iron Bridge Road, adjacent to this site. Use of the public wastewater system is required by County Code. The existing structures on this site are connected to the public wastewater system.

ENVIRONMENTAL

This request will have a minimal impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Dale Fire Station, Company #11, currently provides fire protection and emergency medical service. This request will have a minimal impact fire and EMS.

Transportation:

The property is located at the northeast corner of the Canasta Drive/Iron Bridge Road (Route 10) intersection. Canasta Drive and Route 10 are classified as major arterials on the county's Thoroughfare Plan with recommended right of way widths of ninety (90) and 120 to 200 feet, respectively. The applicant should proffer to dedicate right of way along both these roads in accordance with that Plan.

Access to major arterials should be controlled. The property was developed with one (1) access on Route 10. The applicant is requesting to delete condition 1 of case 78S005, which currently precludes an additional access to Route 10. There is not adequate frontage along

Route 10 for the Transportation Department to support an additional access. The applicant should also proffer to preclude access to Canasta Drive. The property has approximately 150 feet of frontage along Canasta Drive, which would not allow for adequate separation from the Route 10 intersection. Accesses in the operational area of an intersection can degrade the level of service and increase the rate of accidents at the intersection.

The applicant has not addressed the traffic impact of this development. The applicant should proffer, among other things, an additional lane along Route 10 and a separate right turn lane at the site access.

Without commitments to limit access, dedicate right of way, and provide road improvements, the Transportation Department cannot support this request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for mixed use corridor use such as professional, business and industrial offices and integrated supporting uses and residential uses of varying densities.

Area Development Trends:

Properties to the north and west are zoned Residential (R-7) and are occupied by single family residential use within Amphill Gardens Subdivision and on acreage parcels or are vacant. Properties to the south and east are zoned Community Business (C-3), General Business (C-5) and Agricultural (A) and are occupied by commercial use, single family residential use on acreage parcels or are vacant. While the Plan anticipates that a mixture of office and residential uses will develop along Iron Bridge Road in this area and residential use will continue to the north and west, it should be acknowledged that past zoning actions predating the Plan have occurred and are contrary to the adopted Plan. Determination of the appropriate land uses should be based upon these past actions coupled with the goals and policies of the adopted Plan not solely by the land use designation on the adopted map.

Zoning History:

On June 12, 1974, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning of a portion of the request property from Residential (R-7) to General Business (B-3) (Case 74S042) subject to two (2) conditions establishing buffers along Iron Bridge Road and other property boundaries.

On April 23, 1975, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved an amendment to permit parking within a buffer area adjacent to Iron Bridge Road (Case 75S045) subject to two (2) conditions relative to buffers along Iron Bridge Road.

On March 22, 1978, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning of a portion of the request property from Residential (R-7) to General Business (B-3) (Case 78S005) subject to conditions establishing buffers along Iron Bridge Road and other property boundaries and deleting buffers between that property and the property subject to the 1974 zoning. The resulting required buffers are depicted on the attached map.

Request I: Buffers and Setbacks

The applicants are seeking to delete the buffer requirements outlined above on that portion of the property zoned C-5. Deletion of the buffers which were imposed as a part of the 1970's zoning will result in buffers and setbacks as required by the Zoning Ordinance. While the Zoning Ordinance now addresses buffers and landscape setbacks, the current requirements also limit access to Route 10, as discussed in the "Transportation Section" of this Analysis. If the applicants would address the transportation concerns, it would be appropriate to delete the buffer requirements.

Request II: Rezoning to C-5

The second portion of this application proposes to rezone 1.0 acres to the west of the existing contractor's office and storage yard to C-5. The rezoning is intended to accommodate expansion of the contractor's shop and storage yard. As noted, the Central Area Plan suggests that the area be developed for primarily office and residential uses. The Plan suggests that commercial uses be confined to those properties located in nodes at the intersection of major east/west and north/south arterials. In consideration of the existing zoning on adjacent properties and the goals of the Plan to discourage linear, strip commercial development along the Route 10 corridor, staff advised the applicants that an application which would limit uses to offices plus contractor's offices (a C-3 use) would be supportable. The applicants, however, were unwilling to limit the uses accordingly.

Development Standards:

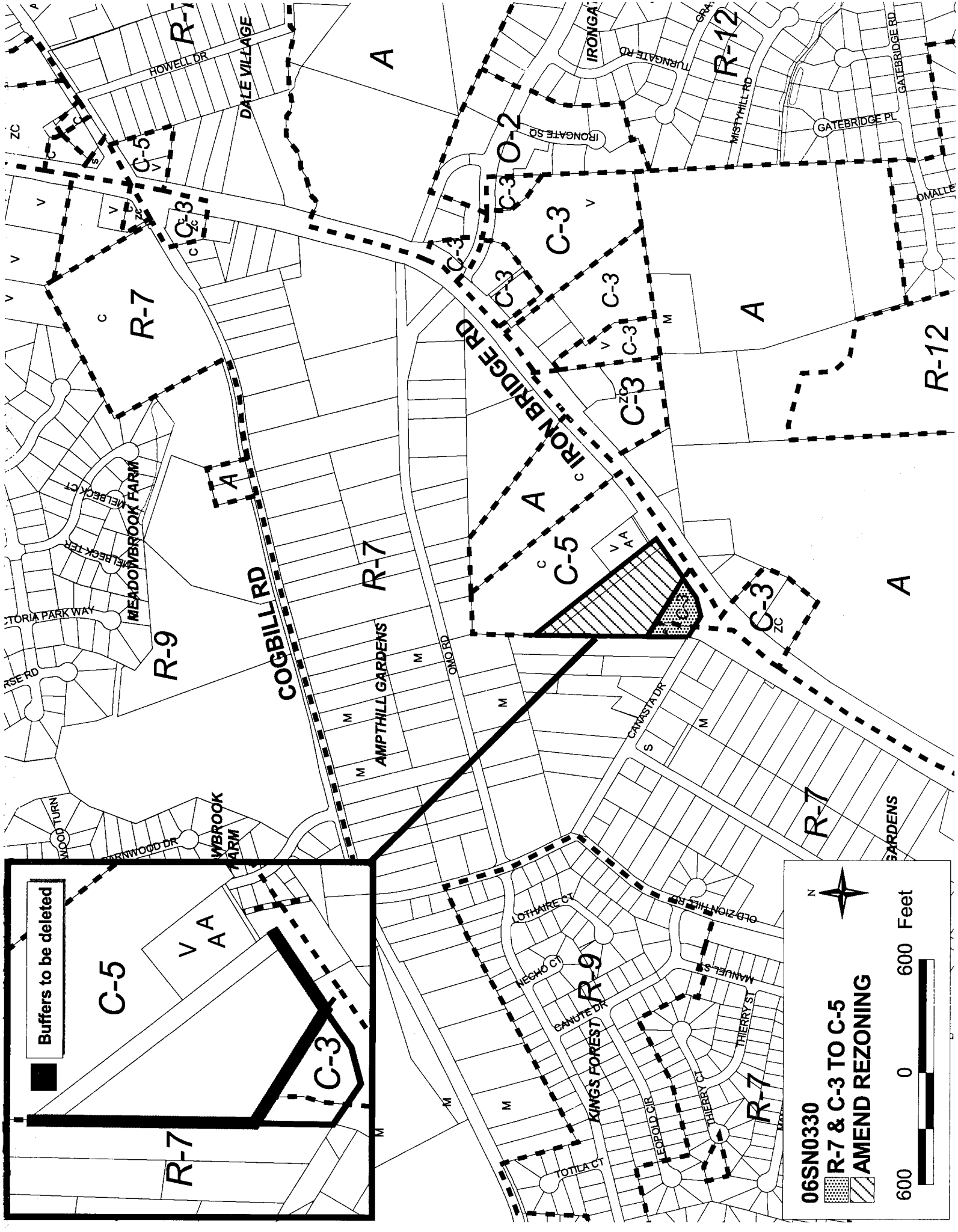
Currently, the property lies within an Emerging Growth District Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. Any expanded or new development on the property must comply with these requirements.

CONCLUSION


First, the applicants request approval of amendments to rezoning (Cases 74S042, 75S045 and 78S005) to delete buffer and setbacks requirements on the portion of the request property zoned General Business (C-5). With deletion of these requirements, any expanded or new development would necessitate compliance with the Zoning Ordinance. There would not, however, be a


limitation on access to Route 10, as per existing conditions of zoning. Given these considerations, staff could support approval of Request I to delete buffer requirements of Cases 74S042, 75S045 and 78S005, if the applicants would address access limitations.

In addition, the applicants request rezoning from Residential (R-7) and Community Business (C-3) to General Business (C-5) of a 1.0 acre portion of the request property. This proposed zoning and land use which would permit Community Business (C-3) uses plus contractor's shops and storage yards does not conform to the Central Area Plan which suggests the property is appropriate for mixed use corridor uses such as professional, business and industrial offices and residential developments of varying densities. Further, the proposed zoning and land uses are not representative of and compatible with existing and anticipated area development. Therefore, staff recommends denial of Request II to rezone the portion of the request property to General Business (C-5). Should the uses on this portion of the request property be limited to contractor's office use and other office uses, the request would meet the spirit and intent of the Central Area Plan, as discussed herein.




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 R-7 & C-3 TO C-5

 AMEND REZONING

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600 0 600 Feet

